REMARKS

Claims 1-47 are pending in the present Application and all claims currently stand rejected. In this Response to Office Action, claims 1, 21, 30, and 41-47 are amended, and new claims 48-51 are presented herein. Reconsideration of the Application in view of the foregoing amendments and the following remarks is respectfully requested.

35 U.S.C. §103

On page 2 of the Office Action, the Examiner rejects claims 1-6, 8, 11, 14-15, 17-19, 21-26, 28, 31, 34-35, 37-39, and 41-47 under 35 U.S.C. §103 as being unpatentable over U.S. Patent Publication No. 2004/0008209 to Adams et al. (hereafter Adams) in view of U.S. Patent Publication No. 2003/0144843 to Belrose (hereafter Belrose). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a) which requires that three basic criteria must be met, as set forth in M.P.E.P. §2142:

> "First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations"

(emphasis added).

The initial burden is therefore on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of independent claims 1, 21, and 41-47, Applicants respond to the Examiner's §103 rejections as if applied to similarly amended independent claims 1, 21, and 41-47. For example, amended independent claim 1 is now amended to recite *"said audio/video data including a narration concurrently provided by a narrator* ***specifically*** *to identify where respective subject matter locations are positioned in said audio/video data,"* and then using speech recognition for converting the narration into labels, *"said labels being text conversions of utterances in said narration,"* which are limitations that are not taught or suggested either by the cited references, or by the Examiner's citations thereto.

Adams teaches a "multi-media photo album" that allows a user to manually select stored audio data corresponding to a given photograph (see page 4, paragraph 0096). The Examiner cites paragraph 0002 of Adams against Applicants' utilizing a "narration" to identify "subject matter locations" in recorded audio/video data. Applicants respectfully traverse. Applicants submit that Adams fails to teach concurrently recording narration "*specifically to identify where respective subject matter locations are positioned*" in the video data (emphasis added).

The Examiner then cites paragraph 0111 of Adams against Applicants' "*generating labels*" that are "*text conversions of utterances in said narration.*"

Applicants respectfully traverse. Paragraph 0111 of Adams teaches "labeling of individual pockets . . . and corresponding labeling of photograph positions." Adams therefore fails to teach generating labels that are "*text conversions of utterances in said narration,*" as recited by Applicants.

The Examiner concedes that Adams "does not specifically teach a speech recognition engine." Applicants concur. The Examiner then points to Belrose to purportedly remedy these deficiencies in Adams. Applicants traverse. Belrose teaches using a speech recognizer to send "queries" for retrieving sound files related to a picture image" (see page 3, paragraph 0047). However, Applicants submit that Belrose nowhere teaches using a speech recognizer to create text labels for use in a search procedure to locate specific video data.

Applicants respectfully submit that speech recognition technology has been known in the corresponding art for some time. Applicants therefore submit that their unique solution of utilizing a "*speech recognition engine*" to efficiently generate their claimed "*labels*" indicates the clear existence of secondary indicia of non-obviousness. For example, there apparently has been a long-felt need for Applicants' solution in the relevant technological field. Furthermore, other entities and individuals in analogous arts have apparently failed to successfully overcome the foregoing problems in the manner disclosed by Applicants. For at least the foregoing reasons, Applicants request the Examiner to reconsider and withdraw the rejections of independent claims 1, 21, and 41-47.

Regarding the Examiner's rejection of dependent claims 2-6, 8, 11, 14-15, 17-19, 22-26, 28, 31, 34-35, 37-39, for at least the reasons that these claims are

dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 2-6, 8, 11, 14-15, 17-19, 22-26, 28, 31, 34-35, 37-39, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

With further regard to claims 4-6 and 24-26, Applicants submit that neither Adams nor Belrose teach utilizing a speech recognition engine to recognize a "verbal label-mode command" to enter into a "real-time label mode" for "concurrently" capturing video data and narration for automatic and immediate conversion into text labels. Applicants therefore request reconsideration and withdrawal of the rejections of claims 4-6 and 24-26.

With further regard to claims 8, 15, 28, and 35, Applicants submit that neither Adams nor Belrose teach "*said labels being stored along with meta-information that associates each of said respective subject matter locations to a corresponding one of said labels*" (emphasis added), as recited by Applicants, for example, in claims 8 and 28. Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 8, 15, 28, and 35.

With further regard to claims 14 and 34, the Examiner cites paragraphs 0045-0047 of Belrose against Applicants' claimed "label validation procedure." Applicants traverse. Applicants submit that nowhere in paragraphs 0045-0047 of Belrose is any sort of "label validation procedure" mentioned, as recited by Applicants. Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 8 and 28.

For at least the foregoing reasons, the Applicants submit that claims 1-6, 8, 11, 14-15, 17-19, 21-26, 28, 31, 34-35, 37-39 are not unpatentable under 35 U.S.C. §103 over Adams in view of Belrose, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 1-6, 8, 11, 14-15, 17-19, 21-26, 28, 31, 34-35, 37-39 under 35 U.S.C. § 103.

On page 7 of the Office Action, the Examiner rejects claims 7, 12, 27, and 32 under 35 U.S.C. § 103 as being unpatentable over Adams and Belrose in view of U.S. Patent Publication No. 2002/0067859 to Nicholson et al. (hereafter Nicholson). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 7, 12, 27, and 32, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 7, 12, 27, and 32, when viewed through or

in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

With further regard to the rejections of claims 7, 12, 27, and 32, the Examiner concedes that Adams "does not specifically teach . . . a validation procedure . . . ." Applicants concur. The Examiner then points to Nicholson to purportedly remedy these deficiencies in Adams. Applicants respectfully traverse. Nicholson is limited to teaching an obscure processing technique for "creating a hybrid data structure describing recognized and unrecognized objects." In particular, Nicholson teaches dividing a "bitmap" into identifiable and non-identifiable objects" (see column 1, paragraphs 0009-0010).

Applicants submit that Nicholson is not directed toward any field of endeavor that remotely resembles that of Applicants' invention. For example, Nicholson does not pertain to any sort of digital videography techniques. In addition, Nicholson fails to teach automatically generating Applicants' claimed "labels" by utilizing a "speech recognition engine." Furthermore, Nicholson nowhere teaches utilizing the converted labels for locating corresponding recorded video information. Applicants therefore submit that Nicholson is non-analogous art, and is therefore not relevant with respect to Applicants' claimed invention.

For at least the foregoing reasons, the Applicants submit that claims 7, 12, 27, and 32 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 7, 12, 27, and 32 under 35 U.S.C. § 103.

On page 9 of the Office Action, the Examiner rejects claims 9-10, 13, 16, 20, 29-30, 33, 36, and 40 under 35 U.S.C. § 103 as being unpatentable over Adams and Belrose in view of U.S. Patent Publication No. 2004/0037540 to Frohlich et al. (hereafter Frohlich). The Applicants respectfully traverse these rejections for at least the following reasons.

Applicants maintain that the Examiner has failed to make a *prima facie* case of obviousness under 35 U.S.C. § 103(a). As discussed above, for a valid *prima facie* case of obviousness under 35 U.S.C. § 103(a), the prior art references when combined must teach or suggest all the claim limitations." The initial burden is on the Examiner to establish a *prima facie* case of obviousness under 35 U.S.C. § 103(a).

Regarding the Examiner's rejection of dependent claims 9-10, 13, 16, 20, 29-30, 33, 36, and 40, for at least the reasons that these claims are dependent from respective independent claims whose limitations are not identically taught or suggested, the limitations of these dependent claims 9-10, 13, 16, 20, 29-30, 33, 36, and 40, when viewed through or in combination with the limitations of the respective independent claims, are also not identically taught or suggested.

With further regard to the rejections of claims 9-10, 13, 16, 20, 29-30, 33, 36, and 40, the Examiner concedes that Adams "does not specifically teach" capturing the narration and video data "prior to entering" a non-real-time label mode during which text labels are automatically created using a speech recognition engine. Applicants concur. The Examiner then points to Frohlich to

purportedly remedy these deficiencies in Adams. Applicants respectfully traverse. Frohlich teaches a data format for an "audio photograph" that combines an image with multiple audio clips (see paragraph 118).

As support for these rejections, the Examiner cites paragraph 0008 of Frohlich which states that "the sound can be captured . . . immediately after capturing the image." Applicants submit that the claimed "non-real-time label model" pertains to when the labels are automatically created by the speech recognition engine, and not when the "sound can be captured," as discussed by Frohlich. In other words, Applicants submit that their claimed labels are text labels, not audio clips, as disclosed by Frohlich.

Furthermore, Applicants submit that associating "multiple audio clips" with a given image (as in Frohlich) teaches away from Applicants invention which utilizes a single unique dedicated label to specifically locate a corresponding location in recorded video data. A prior art reference which teaches away from the presently claimed invention is "strong evidence of nonobviousness." In re Hedges, 783 F.2d 1038, 228 U.S.P.Q. 2d 685 (Fed. Cir. 1987).

For at least the foregoing reasons, the Applicants submit that claims 9-10, 13, 16, 20, 29-30, 33, 36, and 40 are not unpatentable under 35 U.S.C. § 103 over the cited references, and that the rejections under 35 U.S.C. § 103 are thus improper. The Applicants therefore respectfully request reconsideration and withdrawal of the rejections of claims 9-10, 13, 16, 20, 29-30, 33, 36, and 40 under 35 U.S.C. § 103.

Examiner Interview Summary

On December 5, 2007, Applicants' representative, Gregory Koerner, held an Examiner's Interview with Examiner Jackieda Jackson to discuss various differences between the cited references and Applicants' claimed invention. For example, the Applicants argued that the cited references fail to teach *"said audio/video data including a narration concurrently provided by a narrator specifically to identify where respective subject matter locations are positioned in said audio/video data."* In addition, Applicants argued that the cited references fail to teach using speech recognition for converting the narration into labels, *"said labels being text conversions of utterances in said narration."*

New Claims

The Applicants herein submit additional claims 48-51 for consideration by the Examiner in the present Application. The new claims 48-51 recite specific detailed embodiments for implementation and utilization of Applicants' image pump, as disclosed and discussed in the Specification. Applicants submit that newly-added claims 48-51 contain a number of limitations that are not taught or suggested in the cited references.

In particular, Applicants submit that cited references fail to teach "wherein said meta-information includes video timecode information," as recited in dependent claim 48, or "wherein said confidence measures include a label amplitude parameter and a label duration parameter," as recited in dependent claim 49. Furthermore, Applicants submit that cited references fail to teach "wherein said representative images are implemented as thumbnail images," as recited in dependent claim 50, or "wherein said electronic device is a single discrete video camcorder that hosts said speech recognition engine, said label manager, said labels, and said audio/video data," as recited in dependent claim 51. Applicants therefore respectfully request the Examiner to consider and allow new claims 48-51, so that these claims may issue in a timely manner.

Summary

Applicants submit that the foregoing amendments and remarks overcome the Examiner's rejections under 35 U.S.C. §103(a). Because the cited references, and the Examiner's citations thereto, do not teach or suggest the claimed invention, and in light of the differences between the claimed invention and the cited prior art, Applicants therefore submit that the claimed invention is patentable over the cited art, and respectfully request the Examiner to allow claims 1-51 so that the present Application may issue in a timely manner. If there are any questions concerning this Response, the Examiner is invited to contact the Applicants' undersigned representative at the number provided below.

Respectfully submitted,

Date: 12/6/07

By: _____

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